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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JOHNIE RUSSELL WILLIAMS, III,

11 Plaintiff,

12 v.

13 OFFICER DUFFY, et al.,

14 Defendants.

CASE NO. C10-0084-JLR-MAT

ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTIVE RELIEF

15 The court, having reviewed Plaintiff's amended complaint, Plaintiff's motion for
16 preliminary injunctive relief, the Report and Recommendation of the Honorable Mary
17 Alice Theiler, United States Magistrate Judge, Plaintiff's Objections to the Report and
18 Recommendation (Dkt. # 36), and the remaining record, does hereby ORDER:

19 (1) The court adopts the Report and Recommendation (Dkt. # 28) subject to the
20 following amendment to reflect the Ninth Circuit's most recent teaching regarding the
21 preliminary injunction standard. The court replaces the text on page 1, line 21 through
22 page 2, line 16 with the following:

ORDER- 1

“[T]he basic function of a preliminary injunction is to preserve the *status quo ante litem* pending a determination of the action on the merits.” *Los Angeles Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1200 (9th Cir. 1980). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council*, --- U.S. ---, 129 S. Ct 365, 374 (2008). In addition, the Ninth Circuit Court of Appeals has recently clarified that “serious questions going to the merits” and a hardship balance that tips sharply towards the plaintiff can support issuance of an injunction, so long as the plaintiff also shows a likelihood of irreparable injury and that the injunction is in the public interest.” *Alliance for the Wild Rockies v. Cottrell*, --- F.3d ---, 2010 WL 3665149, at *8 (9th Cir. 2010). To obtain injunctive relief, the moving party must demonstrate exposure to irreparable harm absent the requested judicial intervention. See *Caribbean Marine Servs. Co. v. Baldridge*, 844 F.2d 668, 674 (9th Cir. 1988). Speculative injury does not constitute irreparable injury sufficient to warrant granting preliminary relief. *Id.* Rather, “a plaintiff must demonstrate immediate threatened injury as a prerequisite to preliminary injunctive relief.” *Id.* (emphasis in original).

(2) Plaintiff's motion for preliminary injunctive relief (Dkt. # 15) is DENIED.

(3) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for defendants, and to the Honorable Mary Alice Theiler.

Dated this 13th day of October, 2010.



JAMES L. ROBART
United States District Judge